

# EXHIBIT 17



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
BAY CITY DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

December 12, 2019

CERTIFIED MAIL

Mr. Lee Mueller  
Boyce Hydro, LLC  
10120 W. Flamingo Road  
Las Vegas, NV 89147

Dear Mr. Mueller:

SUBJECT: Enforcement Notice  
Complaint Submission Number HNV-YF4R-2XSY4  
Property Location: Edenville Dam, Wixom Lake  
Gladwin County, Tobacco Township, T17N, R01W, Section 36

The Department of Environment, Great Lakes, and Energy (EGLE) Water Resources Division (WRD) has determined that unauthorized activity conducted at the above location is in violation of Part 301, Inland Lakes and Streams; Part 307, Inland Lake Levels; and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act. The unauthorized activity includes the drawdown of Wixom Lake below the elevation of 672.8 NGVD 29 allowed by the Part 307 Lake Level Order, and prior to the allowable winter drawdown timeframe of December 15, resulting in surface water drainage of adjacent wetlands and other damage to natural resources, including freshwater mussels.

You previously applied for a permit to draw Wixom Lake down below its authorized winter lake level, and EGLE denied the application on November 25, 2019 because there are feasible and prudent alternatives to managing ice on the impoundment that have a less significant impact on the State's natural resources.

EGLE would like to provide you with an opportunity to comply with the legal requirements of Part 301, Part 307 and Part 303 by immediately ceasing active drawdown of Wixom Lake and coming into compliance with the Part 307 Lake Level Order. That is the best way you can mitigate the damage the drawdown has caused the State's natural resources, and prevent the additional damage you will cause if you draw Wixom Lake down to the level you applied for in your permit application. Should you wish to discuss compliance requirements, please contact me as soon as possible.

If you do not immediately cease the drawdown and return Wixom Lake to the level authorized under the Part 307 order, EGLE may take escalated enforcement action against Boyce Hydro and others who are collaborating with Boyce on the drawdown. That could include referral of this case to the Department of Natural Resources, Environmental Investigations Section, and the Department of Attorney General.

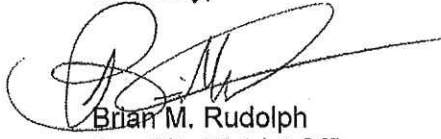
Mr. Lee Mueller

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We anticipate your cooperation in resolving this matter. If you have any questions, you may contact me at RudolphB1@Michigan.gov; 989-439-6065; or EGLE, 401 Ketchum Street, Suite B, Bay City, MI, 48708-5430, Bay City, Michigan.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Rudolph', with a long horizontal flourish extending to the right.

Brian M. Rudolph  
Bay City District Office  
Water Resources Division

cc: Mr. Dave Kepler, Four Lakes Task Force  
Mr. Ron Hansen, Spicer Group Inc.  
Mr. Nate Gambill, DAG  
Ms. Jessica Mistak, MDNR Fisheries Div.  
Mr. Dave Pingel, EGLE  
Billings Township Clerk  
Tobacco Township Clerk  
Gladwin County Clerk  
Gladwin CEA